

HOUSE BILL No. 1293

DIGEST OF INTRODUCED BILL

Citations Affected: IC 2-2.1-3-2; IC 2-7-3-6.

Synopsis: Reporting lobbyist contributions to charity. Requires a legislator and a candidate for legislative office to report on the legislator's or candidate's annual statement of economic interests any gifts made to a charitable organization by a lobbyist: (1) in the name of the legislator; or (2) under an agreement with the legislator, even if the contribution is not made in the name of the legislator. Requires a lobbyist to report these gifts to the lobby registration commission, the legislator, and the clerk of the house or the secretary of the senate.

Effective: July 1, 2009.

Moses, Pond

January 13, 2009, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1293

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-2.1-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Not later than
3 seven (7) calendar days following the first session day in January of
4 each year every member of the general assembly shall file with the
5 principal clerk of the house or secretary of the senate, respectively, a
6 written statement of the member's or candidate's economic interests for
7 the preceding calendar year listing the following:

8 (1) The name of the member's or candidate's employer and the
9 employer of the member's or candidate's spouse and the nature of
10 the employer's business. The house of representatives and senate
11 need not be listed as an employer.

12 (2) The name of any sole proprietorship owned or professional
13 practice operated by the member or candidate or the member's or
14 candidate's spouse and the nature of the business.

15 (3) The name of any partnership of which the member or
16 candidate or the member's or candidate's spouse is a member and
17 the nature of the partnership's business.



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(4) The name of any corporation of which the member or candidate or the member's or candidate's spouse is an officer or director and the nature of the corporation's business. Churches need not be listed.

(5) The name of any corporation in which the member or candidate or the member's or candidate's spouse or unemancipated children own stock or stock options having a fair market value in excess of ten thousand dollars (\$10,000). No time or demand deposit in a financial institution or insurance policy need be listed.

(6) The name of any state agency or the supreme court of Indiana which licenses or regulates the following:

(A) The member's or candidate's or the member's or candidate's spouse's profession or occupation.

(B) Any proprietorship, partnership, corporation, or limited liability company listed under subdivision (2), (3), or (4) and the nature of the licensure or regulation.

The requirement to file certain reports with the secretary of state or to register with the department of state revenue as a retail merchant, manufacturer, or wholesaler shall not be considered as licensure or regulation.

(7) The name of any person whom the member or candidate knows to have been a lobbyist in the previous calendar year and knows to have purchased any of the following:

(A) From the member or candidate, the member's or candidate's sole proprietorship, or the member's or candidate's family business, goods or services for which the lobbyist paid in excess of one hundred dollars (\$100).

(B) From the member's or candidate's partner, goods or services for which the lobbyist paid in excess of one thousand dollars (\$1,000).

This subdivision does not apply to purchases made after December 31, 1998, by a lobbyist from a legislator's retail business made in the ordinary course of business at prices that are available to the general public. For purposes of this subdivision, a legislator's business is considered a retail business if the business is a retail merchant as defined in IC 6-2.5-1-8.

(8) The name of any person or entity from whom the member or candidate received the following:

(A) Any gift of cash from a lobbyist.

(B) Any single gift other than cash having a fair market value in excess of one hundred dollars (\$100).

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1 ~~However, a~~ **(C) Any** contribution made by a lobbyist to a
 2 charitable organization (as defined in Section 501(c) of the
 3 Internal Revenue Code): ~~in connection with a social or sports~~
 4 ~~event attended by legislators need not be listed by a member~~
 5 ~~of the general assembly unless the contribution is made~~

6 **(i) in the name of the legislator; or**

7 **(ii) under an agreement with the legislator, even if the**
 8 **contribution is not made in the name of the legislator.**

9 ~~(D)~~ **(D)** Any gifts other than cash having a fair market value in
 10 the aggregate in excess of two hundred fifty dollars (\$250).
 11 Campaign contributions need not be listed. Gifts from a spouse
 12 or close relative need not be listed unless the donor has a
 13 substantial economic interest in a legislative matter.

14 (9) The name of any lobbyist who is:

15 (A) a member of a partnership or limited liability company;

16 (B) an officer or a director of a corporation; or

17 (C) a manager of a limited liability company;

18 of which the member of or candidate for the general assembly is
 19 a partner, an officer, a director, a member, or an employee, and a
 20 description of the legislative matters which are the object of the
 21 lobbyist's activity.

22 (10) The name of any person or entity on whose behalf the
 23 member or candidate has appeared before, contacted, or
 24 transacted business with any state agency or official thereof, the
 25 name of the state agency, the nature of the appearance, contact, or
 26 transaction, and the cause number, if any. This requirement does
 27 not apply when the services are rendered without compensation.

28 (11) The name of any limited liability company of which the
 29 member of the general assembly, the candidate, or the member's
 30 or candidate's individual spouse has an interest.

31 (b) Before any person, who is not a member of the general assembly
 32 files the person's declaration of candidacy, declaration of intent to be
 33 a write-in candidate, or petition of nomination for office or is selected
 34 as a candidate for the office under IC 3-13-1 or IC 3-13-2, the person
 35 shall file with the clerk of the house or secretary of the senate,
 36 respectively, the same written statement of economic interests for the
 37 preceding calendar year that this section requires members of the
 38 general assembly to file.

39 (c) Any member of or candidate for the general assembly may file
 40 an amended statement upon discovery of additional information
 41 required to be reported.

42 SECTION 2. IC 2-7-3-6 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2009]: Sec. 6. (a) A lobbyist shall file a written report with respect to a member of the general assembly whenever either of the following occurs:

(1) The lobbyist has made a purchase described in IC 2-2.1-3-2(a)(7) with respect to that member. This subdivision does not apply to purchases made by a lobbyist from a legislator's retail business made in the ordinary course of business at prices that are available to the general public. For purposes of this subdivision, a legislator's business is considered a retail business if the business is a retail merchant as defined in IC 6-2.5-1-8.

(2) The lobbyist has made a gift described in IC 2-2.1-3-2(a)(8):

(A) to;

(B) in the name of; or

(C) under an agreement with;

that member.

(b) A report required by subsection (a) must state the following:

(1) The name of the lobbyist.

(2) Whether the report covers a purchase described in IC 2-2.1-3-2(a)(7) or a gift described in IC 2-2.1-3-2(a)(8).

(c) A lobbyist shall file a copy of a report required by this section with all the following:

(1) The commission.

(2) The member of the general assembly with respect to whom the report is made.

(3) The principal clerk of the house of representatives, if the legislator is a member of the Indiana house of representatives.

(4) The secretary of the senate, if the legislator is a member of the Indiana senate.

(d) A lobbyist shall file a report required by subsection (a) not later than seven (7) days after making the purchase or giving the gift.

(e) Not later than January 7, the commission shall provide to each member of the general assembly a written compilation of all reports filed under subsection (c) relating to that member. The compilation must satisfy the following:

(1) For each member the compilation must list the following for the immediately preceding calendar year:

(A) Each purchase described in IC 2-2.1-3-2(a)(7).

(B) Each gift described in IC 2-2.1-3-2(a)(8) itemized as follows:

(i) Any gift of cash from the lobbyist.

(ii) Any single gift from the lobbyist other than cash having a fair market value that exceeds one hundred dollars (\$100).

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- 1 (iii) Any gifts from the lobbyist other than cash having a fair
- 2 market value in the aggregate that exceeds two hundred fifty
- 3 dollars (\$250).
- 4 (2) For each purchase or gift, the compilation must identify the
- 5 name of the lobbyist making the purchase or giving the gift.

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